

# NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.05 C, Closed Area No. 26-D, Hathorne Point- Bailey Point, Cushing, promulgated on July 9, 1991, is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.05 C, Closed Area No. 26-D, Wiley Cove, Cushing.

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from all shores, flats and waters west of a line extending southwest across the mouth of Wiley Cove, Cushing, from the east tip of Bailey Point to a red painted post on the prominent un-named point south of Bailey Point.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: February 26, 2004

AGENCY CONTACT PERSON:

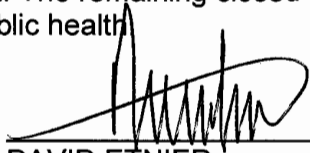
Amy M. Fitzpatrick  
Department of Marine Resources  
Boothbay Harbor Laboratory  
McKown Point Road  
W. Boothbay Harbor, ME 04575

THE COURIER GAZETTE  
March 2, 2004

## STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.05 C, Closed Area No. 26-D, Hathorne Point- Bailey Point, Cushing, and replaces it with a new regulation. This new regulation reduces the size of the closure to allow shellfish harvesting south of Wiley Cove.

Department personnel have sampled and surveyed the newly opened area and have determined that this area is now safe for shellfish harvest. The remaining closed area is classified prohibited due to non-point pollution, which poses a threat to public health.

  
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DAVID ETNIER  
DEPUTY COMMISSIONER



# Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

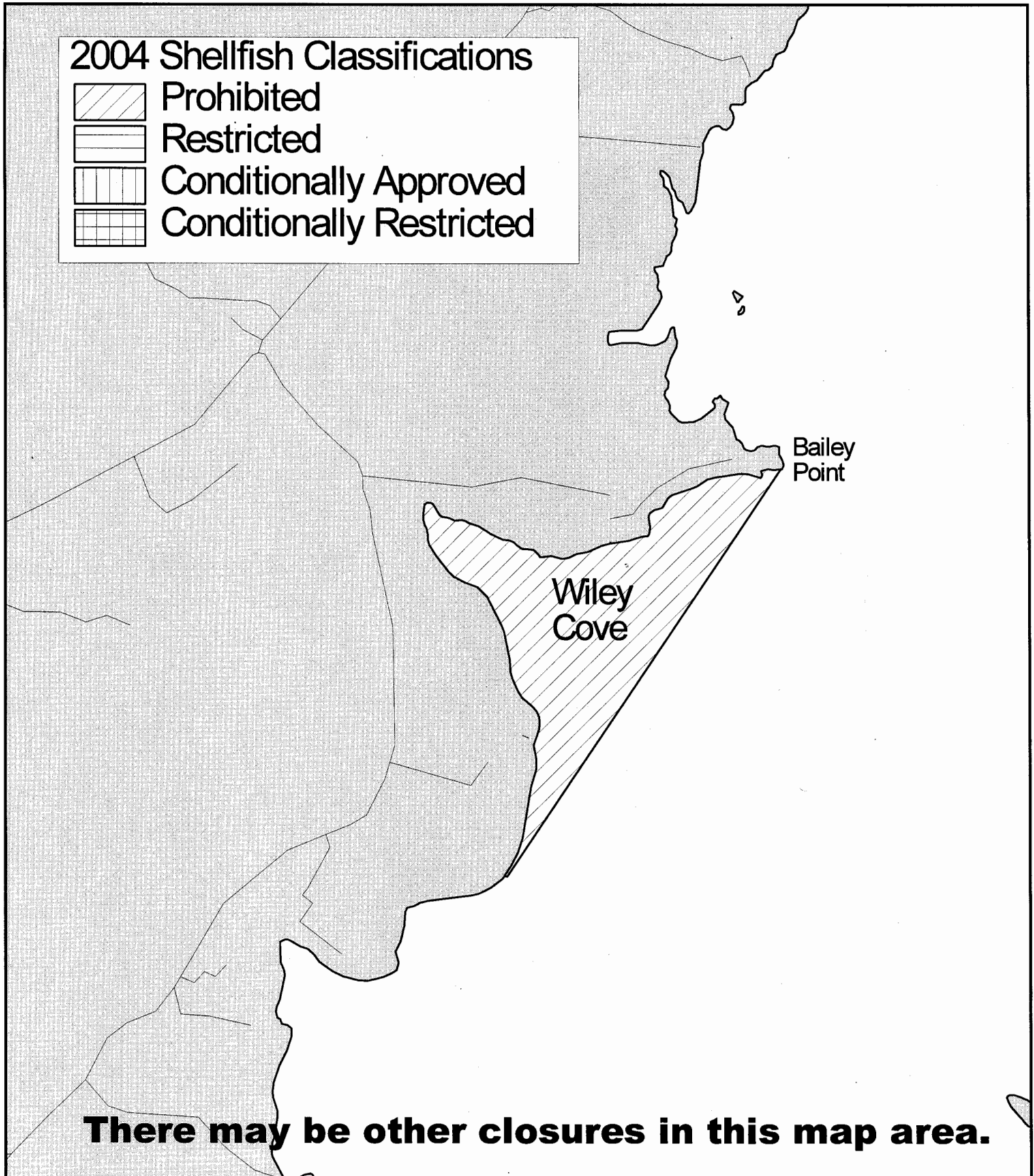
**C26D Wiley Cove, Cushing**

2/26/04



## 2004 Shellfish Classifications

-  Prohibited
-  Restricted
-  Conditionally Approved
-  Conditionally Restricted



0.2 0 0.2 0.4 Miles